

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

P.M. and C.T.,

Plaintiffs,

vs.

Civ. No. 10-28 BB/RHS

DAVID C. YOUNG, ROBERT T. SMITH,
JOSEPH R. HUDSON, RAYMOND D.
SCHULTZ, in their individual capacities,
and THE CITY OF ALBUQUERQUE,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION TO COMPEL DEFENDANTS
SCHULTZ AND CITY OF ALBUQUERQUE TO RESPOND
TO PLAINTIFF C.T.'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel Defendants Schultz and City of Albuquerque to Respond to Plaintiff C.T.'s First Set of Interrogatories and Requests for Production [docket no. 51]. The Court has considered the Motion together with Defendants City of Albuquerque and Raymond D. Schultz's Response (docket no. 63) and Plaintiffs' Reply (docket no. 66), as well as all of the pleadings on file in the above-captioned cause and hereby concludes that the Motion should be denied in part and granted in part as more fully contained herein.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Compel Defendants Schultz and City of Albuquerque to Respond to Plaintiff C.T.'s First Set of Interrogatories and Requests for Production [docket no. 51] is hereby granted in part and denied in part as follows:

1. Schultz Interrogatory No. 8 and City of Albuquerque Interrogatory Nos. 10 &

11: The motion is granted to the extent that Defendants Schultz and the City of Albuquerque are hereby directed to respond to Schultz Interrogatory No. 8 and City of Albuquerque Interrogatory Nos. 10 and 11 to the extent that they disclose the material facts known to them or reasonably believed to exist upon which they relied in pleading each of the affirmative defenses asserted in their answers to the Complaint.

2. City of Albuquerque Interrogatory No. 9 and Request for Production Nos. 1, 2, 3,

4, 5, 6, 8, 9 and 10 and Schultz Request for Production Nos. 5 and 6: The Court agrees with Defendants Schultz and City of Albuquerque in that these discovery requests while well-intended are overly broad and complicated. Plaintiff C.T. is hereby directed to re-serve these discovery requests in a manner that breaks them down in a more simple and clear interrogatory and/or request for production. To the extent that this may involve discovery requests in excess of the number allowable, permission is hereby granted from the Court to exceed those limitations. These re-drafted discovery requests may be submitted on or before November 19, 2010.

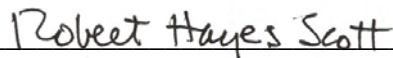
3. To the extent that the Defendant City of Albuquerque has objected to responding to the discovery because it believes the responses thereto may violate the privacy of other non-parties, the objection is overruled.

4. To the extent that discovery responses are required of Defendants Schultz and the City of Albuquerque, the same shall be due on or before December 1, 2010.

5. Each party shall bear and pay their respective attorney's fees and costs herein.

6. The instant motion constitutes a discovery dispute by and between the parties. The Court does not find the conduct of either party to be sanctionable and counsel for the Plaintiffs is

respectfully cautioned to cease using argument such as “falsely refer to certain documents,” “don’t even bother to address,” “resorted to the same deceptive and dilatory litigation practices which are already well documented in the record in this case and others,” “evasive,” and other language which is accusatory, inflammatory and unnecessary in the context of a legitimate discovery dispute.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE